

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-50 are pending in the present Application. Claims 1, 6, 39 and 45 are amended. The claims are amended to correct minor informalities and cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: the Information Disclosure Statement (IDS), filed on November 13, 2001, is rejected under 37 C.F.R. § 1.97, 1.98 and MPEP § 609; Claims 1 and 6 stand objected to due to informalities; Claim 45 is noted as having a typographical error; Claims 39 and 45 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 1, 6, 11, 16-22, 25-27, 30, 33-35, 38, 42 and 47 were rejected under 35 U.S.C. § 103 as unpatentable over Zhang et al. (U.S. Patent No. 6,550,008, hereinafter "Zhang"); Claims 2-5, 7-10, 12-15, 28-29, 36-37, 39-41, 43-46 and 48-50 were rejected under 35 U.S.C. § 103 as unpatentable over Zhang in view of Sims III (U.S. Pub. No. 2002/0016919, hereinafter "Sims"); and Claims 23-24 and 31-31 were rejected under 35 U.S.C. § 103 as unpatentable over Zhang in view of Yagawa et al. (U.S. Patent No. 6,751,598, hereinafter "Yagawa").

The Official Action has rejected the Information Disclosure Statement (IDS), filed on November 13, 2001, under 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609 because one of the references, namely "AQ" (JP 2000-357201) did have not a corresponding English language translation or explanation. Applicants have herewith filed a Substitute Information Disclosure Statement containing a computer-generated English translation of the cited reference. Accordingly, Applicants respectfully request the rejection to the IDS, filed November 13, 2001, under 35 C.F.R. §§ 1.97, 1.98 and MPEP § 609 be withdrawn.

The Official Action has objected to Claims 1 and 6 due to informality, both containing spelling errors, namely the word “portable” has been spelled “potable”. Applicants herein correct said spelling errors and respectfully request the objection to Claims 1 and 6 due to informalities be withdrawn.

The Official Action has noted that Claim 45 contains a typographical error, namely “ro” on the second line. Applicants have herein corrected said typographical error to read “processor”, and respectfully request the Examiner to make note of same in the next Communication.

The Official Action has rejected Claims 39 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Official Action cited the phrase “the first key data” in both Claims 39 and 45 as failing to have proper antecedent basis. In response, these claims are amended to recite “first key data supplied...” instead of “key data of the same generation as the first key data supplied...” Accordingly, Applicants respectfully request that the rejection of Claims 39 and 45 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Official Action has rejected Claims 1, 6, 11, 16-22, 25-27, 30, 33-35, 38, 42 and 47 under 35 U.S.C. § 103 as unpatentable over Zhang. Applicants respectfully assert that Zhang fails to teach or suggest the claim limitations for which it is asserted as a primary reference under 35 U.S.C. § 103.

Claim 1 relates to a contents purveying system which includes a data processor having a reproduction program for reproducing content data, a portable reproducing device for storing contents data, and a contents server for distributing the contents data over a network to the data processor. The portable reproducing device includes a recording medium for storing and reproducing the contents. Once the reproduction program is installed on the data processor, a first master key and a first authentication key are furnished to the

reproduction program. Contents data stored in an external storage medium, a compact disc for example, can be acquire by the data processor using the first master key. The reproduction program can the execute authentication with respect to the portable reproducing device using the first authentication key and first master key.

The data processor also allows for transmission/reception of content data distributed from the contents server to the reproduction program which can then be sent to the portable reproducing device. During this operation, a second master key and a second authentication key are provided over the network to the data processor. The content data furnished from the server is acquired using the second master key for storage, and authentication with respect to the portable reproducing device is made using the second authentication key and the second master key to effect transmission/reception of the contents data.

Independent Claims 6, 11, 21, 22, 30 and 38 recite substantially similar subject matter.

Turning to the applied reference, Zhang teaches a method and system for the protection of information transmitted over communications channels. More specifically, Zhang's describes a method for protecting information communicated between a first and a second device which includes generating a request to a third device, the request including information identifying the first and second devices. The third device verifies the first and second devices based on the information in the request, and predetermined information is sent to at least one of the first and second devices, and the first and second devices authenticate each other based on the predetermined information.¹ Zhang specifically describes a method that is implemented in a broadcast system to enable encrypted communications between a POD module (26), a host device (24), using information provided by a head end device (14)

¹ Zhang at abstract.

which stores information related to the POD module (26) and the host device (24).² Once entity authentication is performed to ensure that both the POD module (26) and the host device (24) are verified units, a shared session key is then derived to protect messages between the Pod module (26) and the host device (24).³

The requirements for a *prima facie* case of obviousness are (1) there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference must teach or suggest all the claim limitations. It is respectfully submitted that the outstanding Office Action fails to make a *prima facie* case of obviousness, because Zhang fails to teach or suggest all the claim limitations for which it is asserted

Claim 1 recites, *inter alia*, a contents purveying system including a data processor , wherein

“...the contents data stored in an external storage medium connected to the data processor are acquired using said first master key for storage...

“the contents data furnished from said contents server are acquired using the so-furnished second master key for storage...”

Independent Claims 6, 11, 21, 22, 30 and 38 recite substantially similar subject matter, and thus the arguments presented below are also applicable to these claims.

The Office Action cites various portions of Zhang as disclosing the above mentioned limitations recited in Claim 1. However, the cited portions of Zhang describe a method for providing keys for “bonding” the POD module (24) and the host device (26).⁴ Specifically, Zhang describes that the host device (24) generates a random number and transmits this random number to the POD module (26), the POD module (26) then transmits a stream

² Zhang at col. 3, lines 14-44.

³ Zhang at col. 4, lines 15-19.

⁴ Zhang at col. 7, lines 52-63.

including device IDs corresponding to the POD module and the host device to the head-end system (14).⁵ The head-end controller then accesses a database verifying the ability for the POD module (26) and the host device (24) to communicate, and sends information to the POD module indicating that the two devices are authorized.⁶ Based on this information the POD module (26) and the host device (24) are capable of generating keys allowing communications between the two devices.

At no point does Zhang teach or suggest that *contents data stored in an external storage medium connected to the data processor are acquired using said first master key for storage*, as recited in Claim 1. Claim 1 recites a system including a data processor, a portable reproducing device, a server and a an external storage medium. The Official Action appears to equate the POD module (26) and the host device (24) with the “data processor” and “external storage medium”, respectively, as recited in Claim 1. However, in Claim 1, the external storage medium is clearly differentiated from the portable reproducing device, and the data processor is recited as acquiring data from the storage medium. Accordingly, Zhang fails to teach or suggest acquiring data from an external storage medium connected to the data processor whatsoever, much less using a first master key for this purpose.

Further, Claim 1 recites *the contents data furnished from said contents server are acquired using the so-furnished second master key for storage*. Zhang fails to teach or suggest the existence of a contents server, and further fails to teach or suggest that a second master key is used to acquire any information. As discussed above, Zhang describes that the head-end (14) provides information allowing the POD module (26) and the host device (24) to generate keys in order to communicate securely with one another. However, at no point

⁵ Zhang at col. 8, lines 44-47.

⁶ Zhang at col. 8, lines 48-67.

does Zhang teach or suggest that the data processor is capable of receiving data furnished by a contents server, much less using a second master key to do so.

As discussed above, Zhang describes only that keys are generated by the POD module (26) and the host device (24) in order to facilitate authenticated communications between these two devices. Thus, at no point does Zhang describe that the host device (26) or POD device (24) are capable of receiving information from an external storage medium and a contents server, respectively, using first and second master keys, as recited in Claim 1.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claims 1, 6, 11, 16-22, 25-27, 30, 33-35, 38, 42 and 47 under 35 U.S.C. § 103 as unpatentable over Zhang be withdrawn.

Claims 2-5, 7-10, 12-15, 28-29, 36-37, 39-41, 43-46 and 48-50 were rejected under 35 U.S.C. § 103 as unpatentable over Zhang in view of Sims. The Official Action cited Zhang as disclosing the applicants invention with the exception of storing data keys of plural generations, but failed to provide any motivation or suggestion to combine Zhang and Sims. Applicants respectfully submit that Zhang fails to teach or suggest the claim limitations for which it is asserted as a primary reference under 35 U.S.C. § 103, and further assert that there is no motivation to combine the Zhang and Sim references.

Claim 39 recites, *inter alia*, a portable reproducing apparatus, wherein

“...first key data supplied to said contents reproducing program in said data processing apparatus and used for storing the contents data furnished from an external storage medium...
the second key data furnished being used to effect authentication in acquiring the contents data furnished from said contents server to receive contents data from said data processing apparatus...”

Independent Claims 45 and 50 recite substantially similar subject matter, and thus the arguments presented below are also applicable to these claims.

Again, the Official Action asserts that Zhang teaches the above-cited limitations of Claim 39. However, as discussed above in detail with respect to Claim 1, Zhang fails to teach or suggest retrieving information from an external storage medium, and a contents server at a data processing apparatus using a plurality of different keys, as recited in independent Claims 39, 45 and 50.

As discussed above, Zhang fails to teach or suggest retrieving information from an external storage medium, and a contents server at a data processing apparatus using a plurality of different keys. Likewise Sims fails to remedy this deficiency, and therefore, none of the cited references, either alone or in combination, can be asserted as disclosing Applicants Claims 2-5, 7-10, 12-15, 28-29, 36-37, 39-41, 43-46 and 48-50, which include the above distinguished limitation by virtue of independent recitation or dependency. Therefore the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Further, the Official Action fails to provide any motivation or support whatsoever to combine the teachings of Zhang with that of Sims in order to arrive at Applicant's claims. Zhang is directed to a method for secure authenticated communications between two devices configured to receive a broadcast signal. Zhang fails to provide any suggestion or motivation to modify the reference so as to combine its teachings with the teachings of Sims. Sims is a system directed to providing content stored on a bulk storage medium, whereas Zhang describes an broadcast signal distribution system in which two devices in the receiver are capable of exchanging and storing information. It would not have been obvious to one of ordinary skill in the art to combine the teachings of Zhang with the teachings of Sims as the two clearly constitute non-analogous art.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claims 2-5, 7-10, 12-15, 28-29, 36-37, 39-41, 43-46 and 48-50 under 35 U.S.C. § 103 as unpatentable over Zhang in view of Sims be withdrawn.

The Official Action has rejected Claims 23, 24, 31 and 32 under 35 U.S.C. § 103 as being unpatentable over Zhang in view of Yagawa et al. (U.S. Patent No. 6,751,598, hereinafter Yagawa).

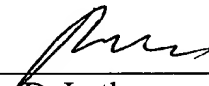
As discussed above, Zhang fails to teach or suggest retrieving information from an external storage medium, and a contents server at a data processing apparatus using a plurality of different keys. Likewise Yagawa fails to remedy this deficiency, and therefore, none of the cited references, either alone or in combination, can be asserted as disclosing Applicants Claims 23, 24, 31 and 32, which include the above distinguished limitation by virtue of dependency. Therefore the Official Action does not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests that the rejection of Claims 23, 24, 31 and 32 under 35 U.S.C. § 103 as unpatentable over Zhang in view of Yagawa be withdrawn.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-52, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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BDL:BDL:yes

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